

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Vanessa M Kirby and Eugene C Kirby,
Jr

Debtors,

Nationstar Mortgage LLC as servicer for THE
BANK OF NEW YORK MELLON f/k/a THE
BANK OF NEW YORK as Indenture Trustee
for Newcastle Mortgage Securities Trust
2007-1

Movant.

v.

Vanessa M Kirby and Eugene C Kirby, Jr
Debtors/Respondents,

Kenneth E. West, Office of the Chapter 13
Standing Trustee, Trustee
Additional Respondent.

BANKRUPTCY CASE NUMBER
23-13325-pmm

CHAPTER 13

11 U.S.C. § 362

STIPULATION AND ORDER

AND NOW, in consideration of the mutual promises and agreements set forth below, and
other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged, it is hereby stipulated and agreed to by and between the undersigned as follows:

1. This Stipulation shall govern all post-petition payments due and owing to Movant,
including those that fall due after the arrears, as set forth below, are cured.

2. The post-petition arrearages on the mortgage held by Movant on Debtors'
property at 111 East Berkley Avenue, Clifton Heights, PA 19018 (the "Property"), are
\$7,889.01. The breakdown of the arrears is as follows:

Post-Payments from 05/01/2024 to 09/01/2024 at \$1,331.27 each	\$6,656.35
Suspense Balance	\$(16.34)
Bankruptcy Fees	\$1,050.00
Bankruptcy Costs	\$199.00

3. If Debtors provide proof of negotiated payments not already credited, they will receive credit for those payments.

4. Debtors shall cure the arrearages in the following manner:

(a) The balance of the arrears, to-wit, \$7,889.01, shall be cured by the Debtors through the Chapter 13 Plan. Debtors shall file an amended Chapter 13 Plan to pay the entire new adjusted arrearage claim of \$20,950.63 to Movant (original arrearage claim of \$13,061.62 + post arrears of \$7,889.01) by November 1, 2024. Movant shall file an amended proof of claim to reflect the same;

5. Debtors shall resume making the regular monthly mortgage payments on October 1, 2024. If funds are not received prior to the 15th of the month, then the payment shall include all applicable late charges;

(a) Should Debtors' regular monthly payment amount change, Debtors shall be notified of such change, and the monthly payment amount due under the terms of the Stipulation shall change accordingly;

(b) All payments to Movant shall include the Loan No. written on the face thereof, and shall be made directly to Attention: Nationstar Mortgage LLC Bankruptcy Department, PO Box 619094 Dallas, TX 75261-9741;

(c) Should the Debtors' post-confirmation plan be denied confirmation, counsel for Movant may file a Certification of Default with the Court and the Court shall enter an Order granting relief as to the Property.

(d) All payments made pursuant to this Stipulation and Order shall be applied first to reimburse Movant for its attorneys' fees and costs (as provided for above) in connection with this

motion. All further payments will be applied to the arrears and/or monthly payments in the manner prescribed by the Mortgage and Note.

6. In the event that Debtors fail to file an Amended Chapter 13 Plan within the time period prescribed above, or if Debtors fails to make any of the payments set forth above, Movant shall notify Debtors and Debtors' attorney of the default in writing and Debtors may cure the default within 15 days of the notice. If the default continues to the following month, the Debtors shall include funds to cure that month's default as well. If Debtors should fail to cure the default within 15 days, Movant may file a Certification of Default with the Court, and upon the filing of the Certification, the Court shall enter an Order granting Movant relief from the automatic stay as to the Property.

7. In the event the instant bankruptcy case is converted to a case under Chapter 7, this shall constitute a default under the terms of this Stipulation. Debtors shall cure the pre-petition and post-petition arrears within ten (10) days from the date of conversion. Should the Debtors fail to cure the arrears within ten (10) days from the date of conversion, counsel for Movant may file a Certification of Default with the Court and the Court shall enter an Order granting relief from the automatic stay as to the Property.

8. Debtors understands that should Movant be forced to provide a written Notice of Default of this Stipulation, that Debtors shall be responsible for any reasonable attorney fees of \$100.00 per Notice of Default and \$200.00 per Certification of Default incurred by Movant as a result of preparation of same.

9. It is further ordered and agreed that the Debtor's right to cure shall be limited to three (3) such opportunities and that upon the filing of a third Notice of Default under the terms

of this Order, there shall be no further opportunity to cure and the Movant may proceed to foreclose its security interest in the subject real property as described above.

10. The proof of claim of THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1 is hereby updated to conform to this Agreed order, and further, this Agreed Order shall serve as a Supplemental Proof of Claim.

11. Debtors agree that the Court may waive Rule 4001(a) (3), permitting Movant to immediately implement and enforce the Court's order.

The parties request that this Honorable Court approve this stipulation.

Dated: 10/3/2024

/s/ Christopher A. DeNardo

Christopher A. DeNardo, 78447
Heather Riloff, 309906
Leslie J. Rase, 58365
Attorney for Movant

Dated: 9/26/24

Jeanne Marie Cella, Esq

Jeanne Marie Cella, Esquire, Jeanne Marie Cella
and Associates LLC
Attorney for Debtors

Dated: September 24, 2024

/s/LeeAnn O. Huggins

Kenneth E. West, Office of the Chapter 13 Standing
Trustee
Trustee

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ORDER

AND NOW, this _____ day of _____, 2024, upon consideration
of the Stipulation entered between Debtor and Movant, it is hereby ORDERED that the
foregoing Stipulation is hereby APPROVED and entered as an ORDER of Court.

BY THE COURT:

HONORABLE PATRICIA M. MAYER
UNITED STATES BANKRUPTCY JUDGE